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Attorney for Defendant
FRANCISCO GONZALES

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO GONZALES,

Defendant.

CASE NO. 22-CR-00140 WBS

STIPULATION TO RE SET STATUS
CONFERENCE AND FOR EXCLUDABLE TIME
PERIOD UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 11, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By this stipulation, all parties now move to set a status conference date of December 11, 2023 at 9:00 a.m., and to exclude time from the date of this stipulation until December 11, 2023 under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

2. The parties agree and stipulate, and request that the Court find the following:

a) Counsel for defendant was involved in state criminal trial the entire month of October, *People v Davis* Placer County Superior Court, and just finished the trial. Defense counsel was unavailable to meet with and prepare for the hearing in this matter.

b) The government has represented that the discovery associated with this case includes approximately two-hundred-fifty pages of investigative reports, video recordings, and forensic images of five telephones consisting of over 5GB of data. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 c) Counsel for defendants believes that failure to grant the above-requested
2 continuance would deny them the reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of November 6, 2023, to December
10 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
11 Code T4] because it results from a continuance granted by the Court at defendant's request on
12 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
13 best interest of the public and the defendant in a speedy trial.

14 3. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

17 IT IS SO STIPULATED.

18 Dated: October 31, 2023

19 PHILLIP A. TALBERT
United States Attorney

20
21 /s/ ROBERT C. ABENDROTH
ROBERT C. ABENDROTH
22 Assistant United States Attorney

23 Dated: October 31, 2023

24 /s/ MARK J. REICHEL
MARK REICHEL
25 Attorney for defendant
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27
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FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: October 31, 2023



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE